

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:09CV70-02-MU

FREDERICK LAMAR BURRIS, )  
Plaintiff, )  
 )  
v. )  
 )  
RAYMOND HAMRICK, Sheriff )  
Of Cleveland County; )  
PHYLLIS SIMS, Facility )  
Administrator at the )  
Cleveland County Deten- )  
tion Center<sup>1</sup>; )  
MARK DAVIS, Lieutenant at )  
the CCDC; and )  
MARK DAVIS, Sergeant at )  
the CCDC, )  
Defendants. )  
\_\_\_\_\_  
 )

O R D E R

**THIS MATTER** comes before the Court on Plaintiff's Motion for Leave to File an Amended Complaint (Doc. No. 6), filed March 3, 2009.

The record of this matter reflects that on February 18, 2009, Plaintiff filed a civil rights Complaint under 42 U.S.C. § 1983. Upon the Court's initial review, it determined that Plaintiff had failed to state a constitutional claim for relief. Accordingly, by Order filed February 20, 2009 (Doc. NO. 3), the Court dismissed Plaintiff's Complaint.

Nevertheless, on March 3, 2009, Plaintiff filed the subject

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<sup>1</sup>Cleveland County Detention Center hereafter will be referred to as "CCDC."

Motion for Leave to File an Amended Complaint (Doc. No. 6) seeking to "add[] new legal claim, drop one of [his] defendant [sic] and change [his] relief." Obviously, however, inasmuch as Plaintiff's case already was dismissed and there was no Complaint pending at the time he sought leave to amend, such Motion must be dismissed as moot.

**SO ORDERED.**

Signed: April 8, 2010



Graham C. Mullen  
United States District Judge

